

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF BOMBAY AT GOA
APPELLATE SIDE

CONTEMPT PETITION NO. 13 OF 2003

Office Note, Office Memoranda
of Quorum, appearances, Court's
orders or directions and
Registrar's orders.

Court's or Judge's Orders

Shri N. Costa Frias, advocate for
the petitioner.

Shri S. S. Kantak, advocate for
the respondent.

CORAM : SMT. NISHITA MHATRE, J.

DATE : 5th February, 2004.

P.C.:

The petitioner has filed the present Contempt Petition alleging that the respondent has not complied with the Order of 8th August, 2003, whereby the Commissioner of the City Corporation of Panaji, made a statement that show cause notices had already been issued and the entire procedure would be completed within four weeks from that date. While accepting the statement, this Court disposed of the Contempt Petition filed earlier by the petitioner being Contempt Petition no.100/2003.

2. In the original petition, a direction was given to respondent no.1, i.e. the Panaji Municipal Council therein, to hear and decide the show cause notices referred to in para 6 of the Writ Petition as expeditiously as possible. As this was not done, the petitioner filed Contempt Petition No.12 of 2003.

In the present Contempt Petition the petitioner states that the respondent has not taken any follow-up action and although the cases have been disposed of no action has been taken against the offending structures either of demolition or otherwise.

3. In paragraph 10 of the affidavit in reply filed by the Commissioner of the City Corporation of Panaji, it is averred that at the first available opportunity the 13 cases have been examined and final notices have been issued to all 13 persons on 1st October, 2003. It

has also been stated that consequently, upon filing of cases, certain action had been taken which is detailed in the affidavit.

4. There is no doubt that there has been a delay in disposing of the Show Cause Notices despite the statement made on 8th August, 2003. However, in view of the averments in the affidavit, there is no question of contempt. The petitioner cannot enlarge the scope of contempt proceedings. The Order which the petitioner claimed to have been violated is the Order of 8th August, 2003, wherein the procedure was to be completed within four weeks. The procedure would, obviously, relate to the earlier Order passed in the Writ Petition itself on 10th March, 2003, whereby the respondent no.1 was directed to hear and decide the show cause notices expeditiously.

5. On accepting the affidavit

of the respondent, I do not find
that there is any scope for
contempt. Contempt Petition
dismissed.

SMT. NISHITA MHATRE, J.

mc.